

Agenda



Knowsley Council

29 May 2024

To: The Chairperson and
Members of the Planning Committee

Dear Councillor

A Meeting of the **PLANNING COMMITTEE** will be held on **Thursday, 6th June, 2024**, in the Council Chamber, Municipal Buildings, Huyton at **6.00pm**.

If you have any queries regarding this meeting, please contact Keith Glover on telephone number 0151 443-3502.

Yours faithfully

Chief Executive

Please Note:-

1. *Access to the Council Chamber is limited. Meetings will be live streamed but, if members of the public or press wish to attend in person, please contact Keith Glover on (0151)-443 3502 in the first instance to discuss. The live stream can be accessed from the following link - <https://knowsley.public-i.tv/core/portal/home>.*
2. *If you have submitted a representation in respect of any of the planning applications that are included on the agenda for determination at this meeting, and wish to speak at the meeting, there is a procedure to be followed which can be accessed via the link below:-*

<https://www.knowsley.gov.uk/residents/building-and-planning/make-a-planning-application/speaking-at-planning-committee>

Membership of the Planning Committee

Councillors

S Donnelly	(Chairperson)
Mrs D Arnall	Ms J Harvey
Ms C Bannon	Ms J Lilly
D J Baum	Ms J E Lonergan
H Bell	K W McGlashan
T Brennan	G J Morgan
M Burke	Mrs S Powell
T Byron	I Smith
A J Flute	K Taylor
R Gaffney	Ms A Wright
G Golding	

(Note: The Agenda and Reports are circulated to all other Members of the Council for information only.)

A G E N D A

PART I

APOLOGIES

1. DECLARATIONS OF INTEREST

2. MINUTES

To receive as a correct record the minutes of the meeting of the Committee held on 14th March 2024.

(Pages 1 - 4)

3. APPLICATIONS FOR PLANNING PERMISSION

To consider the reports of the Executive Director (Regeneration and Economic Development) in respect of the following applications for planning permission.

(Please note that:-

- (i) Background Papers to the planning applications referred to in this agenda comprise the following: -
 - 1. The planning application as submitted or subsequently revised including all forms and plans, etc.
 - 2. The application case sheet, inspection report, photographs, etc.
 - 3. An Ordnance Survey sheet extract showing the application site and the surrounding area.
 - 4. Standard planning conditions as adopted by the Council.
 - 5. Relevant policies from the Unitary Development Plan as appropriate.
 - 6. Copies of all statutory and non-statutory consultations and related correspondence except where they are strictly confidential.
 - 7. The relevant planning history of the application site.

Specific documents, which have been used as a background paper for a particular planning application, and which are not included in the above, are detailed as appropriate at the end of the individual report concerned. Please contact the planning services team (0151 443 2381 or via email at Dcsubmissions@knowsley.gov.uk) to arrange inspection of these files and documents; and

- (ii) Details of the contact officer is contained in the individual report and additional information/some background papers can be found on the [Public Access](#) site via the link shown beneath each planning application below).

- (a) **22/00233/FUL DEMOLITION OF EXISTING BUILDING AND REDEVELOPMENT OF LAND AT DYE HOUSE, PRESCOT, TO ERECT UP TO 45 RESIDENTIAL UNITS (TO INCLUDE A MIX OF HOUSES AND APARTMENTS) WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPING (ACCESS TO BE TAKEN FROM THE EXISTING DEVELOPMENT TO THE NORTHEAST) - DYE HOUSE, LIVERPOOL ROAD, PRESCOT, KNOWSLEY, L34 3LX**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 23/00233/FUL in the search box

(Pages 5 - 58)

- (b) **23/02833/FUL CHANGE OF USE OF A DWELLINGHOUSE (USE CLASS C3) TO A 2 BED CHILDREN'S HOME (USE CLASS C2) - 9 LOGNOR ROAD, WESTVALE, KIRKBY, KNOWSLEY, L32 0SX**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 23/02833/FUL in the search box

(Pages 59 - 72)

- (c) **23/02389/FUL NEW ACCESS AND LANDSCAPING SCHEME OF APPROVED AGRICULTURAL GRAIN STORAGE BUILDING (APPLICATION 23/00005/AGR) - LAND ADJACENT TO PRESCOT ROAD, NORTH OF RED HOUSE FARM AND SOUTH OF CRONTON ROAD, CHESHIRE, WIDNES, WA8 5PS**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 23/02389/FUL in the search box

(Pages 73 - 84)

- (d) **23/02351/FUL REDEVELOPMENT (AND PART RETENTION) OF EXISTING DOGS TRUST REHOMING CENTRE TO DELIVER NEW FACILITIES INCLUDING NEW REHOMING BUILDING, VETS AND PUPPY SUITE, AN INTAKE AND BOOKING BUILDING AND TRAINING BARN, WORKS TO VEHICULAR AND PEDESTRIAN ACCESSES, LANDSCAPING AND LAYOUT INCLUDING OUTDOOR FURNITURE AND ASSOCIATED WORKS - DOGS TRUST, WHISTON LANE, HUYTON, L36 6HP**

Additional information in relation to this item can be obtained on Public Access via the following link:-

<https://planapp.knowsley.gov.uk/online-applications>

and entering 23/02351/FUL in the search box

(Pages 85 - 120)

4. PLANNING COMMITTEE PROTOCOL UPDATE

To consider the report of the Head of Planning and Building Control.

(Pages 121 - 130)

5. PLANNING COMMITTEE SITE VISIT PROTOCOL UPDATE

To consider the report of the Head of Planning and Building Control.

(Pages 131 - 142)

6. DELEGATED PLANNING DECISIONS

To consider the report of the Head of Planning and Building Control.

(Pages 143 - 164)

7. TOWN AND COUNTRY PLANNING ACT 1990 - APPEAL DECISIONS

The Head of Planning and Highways to report on the following appeal decisions taken by the Planning Inspectorate :-

- (a) **COMPOUND, CHAPEL BROOK TRADE PARK, 13 WILSON ROAD, HUYTON, L36 6AW**

(Pages 165 - 168)

- (b) **5 KNOWSLEY PARK LANE, PRESCOT, L34 3NA**

(Pages 169 - 170)

- (c) **33 BEATTOCK CLOSE, TOWER HILL, KIRKBY, KNOWSLEY, L33 1ER**

(Pages 171 - 174)

8. ANY OTHER ITEM(S) WHICH THE CHAIRPERSON DEEMS TO BE OF AN URGENT NATURE

APPLICATION NO: 23/02351/FUL

APPLICANT: Dogs Trust Trustee Limited

WARD AFFECTED: Whiston & Cronton

DEVELOPMENT:

REDEVELOPMENT (AND PART RETENTION) OF EXISTING DOGS TRUST REHOMING CENTRE TO DELIVER NEW FACILITIES INCLUDING NEW REHOMING BUILDING, VETS AND PUPPY SUITE, AN INTAKE AND BOOKING BUILDING AND TRAINING BARN, WORKS TO VEHICULAR AND PEDESTRIAN ACCESSES, LANDSCAPING AND LAYOUT INCLUDING OUTDOOR FURNITURE AND ASSOCIATED WORKS

LOCATION OF SITE:

Dogs Trust, Whiston Lane, Huyton, L36 6HP

DEVELOPMENT PLAN ALLOCATION:

Green Belt
Urban Greenspace and Educational Land

REPRESENTATIONS:

None.

RECOMMENDATION:

That Members delegate authority to the Head of Planning & Building Control to grant planning permission subject to:

- (i) the conditions set out in the attached schedule, or such conditions that the Head of Planning and Building Control in conjunction with the Chair of Planning Committee consider appropriate; and
- (ii) the application being referred to the Secretary of State for Levelling Up, Housing and Communities and the Secretary of State deciding not to “call in the application” for a Public Inquiry;

CASE OFFICER:

Maxine Wishart (0151) 443 2319

SUMMARY:

The application proposes to redevelop the existing Dogs Trust Rehoming Centre. The development would consist of demolishing the existing buildings except for the rehoming building and adjacent maintenance facility which would be retained and

improved as part of the redevelopment. Works would also involve alterations to the access, reconfiguration of the existing car park; provision of a new internal road and provision of a new staff car park, exercise paddocks together with associated landscaping and biodiversity improvements.

The relevant key issues are:

- The principle of development, including whether development is appropriate in the Green Belt and whether any harm would be caused to the openness of the Green Belt
- Whether 'Very Special Circumstances' exist;
- Layout, design & appearance of the development;
- Landscaping
- Highway safety & access;
- Ground conditions - contamination & coal legacy;
- Environmental impacts (noise, air quality and lighting)
- Ecology & biodiversity
- Flood risk / surface water drainage

It is necessary for Planning Committee to decide the application because if planning permission is granted for the development the Council must refer the application to the Secretary of State for Levelling Up, Housing and Communities who must decide whether or not to "call in the application" for a Public Inquiry. This is because the development is "inappropriate development" in the Green Belt and includes the erection of more than 1,000sqm of floor space.

1. SITE AND SURROUNDINGS

- 1.1 The application site is an almost rectangular piece of land with vehicular and pedestrian access off the eastern side of Whiston Lane, Huyton. The site extends approximately 1.83 hectares. The site currently includes a car park to the front with 5 no. buildings, 5 no. 'parasol' kennel buildings; associated paths traversing the site from the car park and hardstanding areas around buildings together with enclosed hardstanding exercise areas located to the rear of the site, beyond which there is an enclosed outdoor exercise area.
- 1.2 Along the north western boundary of the site lies railway land with a steep railway embankment and the Liverpool to Wigan railway line. Further beyond the embankment lies Huyton and Prescot Golf Club. The M57 motorway runs along the eastern boundary of the site which is enclosed by close boarded fencing and scrub and trees that form a buffer between the site and the M57 which is set approx. 50m beyond the fencing. The site shares its south eastern boundary with Stadt Moers Park with its associated allotments (adjacent to the south westerly corner of the site). To the south west of the application site there are two buildings which are outside of the application site but within the applicant's control. The buildings comprise ground floor flat, Bridge Nursery; first floor flat, Bridge Nursery; The Maisonette, Bridge Nursery.

2. PROPOSAL

Background

- 2.1 The Dogs Trust have operated at the Site since 1999. The application states that the centre is one of the Dogs Trust's oldest rehoming centres containing 67 kennels. The application says that due to the length of time the centre has been in use the existing facilities have declined, and the applicant is unable to offer the best, high quality care for rescued and rehomed dogs akin to more modern facilities in their other rehoming centres.
- 2.2 The application states that the Site is the only organisation within the local area which rehomes significant numbers of dogs. The applicant indicates that the current buildings / site layout is are not fit for purpose and compromise their ability to meet increasing demand for their services within the local area.
- 2.3 As well as housing animals for adoption the centre also provides educational opportunities, mass neutering, microchipping, advising government and public sector officials and academic behavioural research. The application states that the proposed redevelopment would enable Dogs Trust to continue to deliver these benefits; improve services and improved benefits for visitors and dogs in their care.

Proposed Development

- 2.4 The proposed works would include the demolition of the 5 no. parasol kennels; a puppy block, line kennels and training barn buildings. These would be replaced by a new re-homing building with a training barn closer to the car park together with new intake, booked and Training Behavioural Assessment (TBA) kennel blocks. A new vet and puppy facility is proposed within the existing reception and office block. All new buildings would be provided with exercise paddocks. Yearlong accessible walking paths are proposed throughout the site together with landscaping works which would include reshaping of existing mounds / fields.
- 2.5 At present, the existing site provides a total of 67 kennel spaces. The proposed development would effectively demolish 1239.9 sqm of this floorspace and deliver 1,680 sqm of new Sui Generis floorspace, create 52 new, higher quality kennels. The application also proposes improvements to the site access and the creation of a new staff car park.

3. RELEVANT SITE HISTORY

APP. NO: 01/00393/FUL
PROPOSAL: WIDENING OF EXISTING SITE ACCESS
DECISION: Granted
DECISION DATE: 17 August 2001

APP. NO: 01/00476/FUL

PROPOSAL: ERECTION OF BUILDING TO FORM ENCLOSED EXERCISE RUN / BEHAVIOURAL TRAINING HALL
DECISION: Refused
DECISION DATE: 27 September 2001

APP. NO: 02/00104/FUL
PROPOSAL: ERECTION OF BUILDING TO FORM ENCLOSED EXERCISE AREA / BEHAVIOURAL TRAINING HALL (RE-SUBMISSION OF PREVIOUS APPLICATION 01/00436/FUL)
DECISION: Granted
DECISION DATE: 18 March 2002

APP. NO: 05/00780/FUL
PROPOSAL: ERECTION OF COVERED EXERCISE RUN
DECISION: Granted
DECISION DATE: 19 September 2005

APP. NO: 14/00379/FUL
PROPOSAL: ERECTION OF SINGLE STOREY EXTENSION TO SIDE ELEVATION
DECISION: Granted
DECISION DATE: 31 July 2014

4. ARTICLE 35 STATEMENT

- 4.1 Officers have worked with the applicant in a positive and proactive manner in order to seek solutions to the issues relevant to the proposed development, consistent with the requirement in the National Planning Policy Framework (NPPF), paragraph 38.

5. EQUALITIES ACT 2010

- 5.1 In determining this application, the Local Planning Authority has considered the requirements under S149 of the Equalities Act 2010.
- 5.2 Section 149 of the Act sets out a general duty that requires the council to have due regard to the need to:
- eliminate discrimination, harassment and victimisation;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

6. REPRESENTATIONS

- 6.1 The application was publicised by individual neighbour letters sent to nearby properties, the display of a site notice and the publication of a press notice. No representations have been received.

7. CONSULTATIONS

Arboricultural Officer (Knowsley Council) – No objection in principle. Tree issues are discussed later in the report.

Environmental Health & Consumer Protection (Knowsley Council) – No objection subject to conditions in relation to contaminated land; importation of soil plant; fixed plant noise; lighting; and construction management plan.

Environmental Health & Consumer Protection (Domestic) (Knowsley Council)
- Advise Dogs Trust most engaged partner to the service in relation to dogs. Their knowledge and professionalism is exceptional and they are committed providing local communities and residents opportunity to approach them for help and guidance.

Environmental Sustainability (Knowsley Council) – Raises a number of general comments in regard to the site layout. These matters are discussed later in the report.

Lead Local Flood Authority (Knowsley Council) – No objection in principle subject to the conditions relating to submission of a surface water drainage strategy and management and maintenance scheme.

Local Highway Authority (Knowsley Council) – No objection subject to a conditions relating to highway improvement works; scheme details of cycle storage; parking; and construction management. Highway matters are discussed later in the report.

Cadent Gas Ltd – No objection.

Environment Agency – No objection in principle.

Fusion 21 – Social Value Strategy is acceptable; a Social Value forecast has been provided and associated monitoring contribution required.

Merseyside Environmental Advisory Service – Advise that it is not necessary to consider the proposals against the three tests (Habitats Regulations). No objection subject to conditions discussed later in the report.

Merseyside Fire and Rescue Authority – No objection.

National Highways – No objection.

Network Rail – Due to the proximity of the proposed development to Network Rail's land and operational railway Network Rail request that the applicant / developer liaises with their Asset Protection prior to any works commencing

to ensure works do not impact on existing operational railway. Request conditions to protect the railway and its boundary.

The Coal Authority – No objection subject to the imposition of conditions as the site falls within the defined Development High Risk Area.

United Utilities Water Ltd – Raise objection due to the proximity of the development to United Utilities assets and apparatus. To overcome this objection, the applicant must liaise with UU to investigate a satisfactory resolution. Should the Council deem the application suitable for approval UU have requested conditions is included in the subsequent Decision Notice in relation to a sustainable surface water and foul water drainage scheme and management and maintenance scheme.

8. POLICY CONTEXT

- 8.1 Paragraph 11 and 12 of the National Planning Policy Framework (NPPF 2023), an extract from which is set out below, states that:

“Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up to date development plan, permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

- 8.2 In this regard, the Knowsley Local Plan: Core Strategy was adopted in January 2016, although certain saved policies of Knowsley Replacement Unitary Development Plan (UDP) remain operational as part of the Statutory Development Plan and are still given weight in reaching a decision under the

provisions of paragraph 225 of the latest NPPF. The Joint Merseyside and Halton Waste Local Plan was adopted in 2013 and is also part of the development plan.

- 8.3 The site is designated as within the Green Belt and Urban Greenspace and Educational Land on the Local Plan Policies Map. The proposed development for the reasons set out below would be a departure from Green Belt Policy contained within Local Plan Core Strategy Policy CS5 (Green Belt) as it would have an impact on the openness of the Green Belt. Having regard to the above it is considered that the re-development of the existing use on the site is justified in this instance subject to compliance with other development plan policies as detailed within this report.
- 8.4 The relevant adopted policies for the assessment of the application are listed below:

Local Plan: Core Strategy (2016)

SD1 - Sustainable development
CS1 – Spatial Strategy for Knowsley
CS2 - Development Principles
CS5 - Green Belt
CS7 - Transport networks
CS8 - Green Infrastructure
CS19 - Design quality and accessibility in new development
CS21 – Greenspaces and Trees
CS22 – Sustainable and Low Carbon Development
CS24 - Managing Flood Risk
CS26 - Waste Management
CS27 – Planning and Paying for New Infrastructure

Knowsley Replacement Unitary Development Plan (Saved Policies, 2009)

ENV2 - Noise and Vibration
ENV3 – Light Pollution
ENV5 - Contaminated Land
T7 – New Development and Walking and Cycling Routes
T9 – Travel Plans
T10 – Access for the Less Mobile
OS7 – Educational Uses and Sites
DQ2 – Security in the Built Environment
DQ4 – Trees and Development

Merseyside and Halton Waste Local Plan (2013)

WM8 – Waste Prevention and Resource Management
WM9 - Sustainable Waste Management Design and Layout for New Development

Supplementary Planning Documents

Ensuring a Choice of Travel SPD (2010)
Design Quality in New Development SPD (2016)
Trees and Development SPD (2016)
Developer Contributions SPD (2016)
Adding Social Value to Development: Employment and Skills SPD (2018)

National Planning Policy

National Planning Policy Framework (2023)
National Planning Policy for Waste
Planning Practice Guidance

9. ISSUES AND ASSESSMENT

Principle of the Development

- 9.1 The development is located within both Urban Greenspace and Educational Land and Green Belt.

Urban Greenspace and Educational Land

- 9.2 The application needs to be assessed against Policy CS21 of the Local Plan: Core Strategy. This policy states that new development which would result in the loss of urban greenspace will not be permitted unless at least one criterion is met. Of relevance is criterion b) which states that development may be acceptable is “the land is considered unsuitable in terms of size, location or character to prevent or address individual deficiencies of different types of greenspaces relative to local standards”.

- 9.3 The site is in existing use as a dog rehoming centre with no public access to the greenspace and the site is not identified as meeting any particular demands in the area. Therefore, the operations of the applicant’s business and meets criterion b). In terms of the special qualities of the greenspace such as visual, residential amenity, historical, community value or recreational benefits the site is not considered to provide any significant value and therefore the proposal would be in compliant with Policy CS21.

Green Belt

- 9.4 Paragraph 142 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 9.5 Paragraphs 152 and 153 of the NPPF and Policy CS5 in the Core Strategy explain that inappropriate development by definition is harmful to the Green Belt and should not be approved except in ‘very special circumstances’. They state that ‘very special circumstances’ will only exist if the potential harm to the Green Belt (which must be given substantial weight) and any

other harm arising from the development is clearly outweighed by other considerations.

- 9.6 Paragraph 154 of the NPPF establishes that the construction of new buildings in the Green Belt is inappropriate development unless certain exceptions apply. One such exception is:

“Limited infilling or the partial or complete redevelopment of previously developed land whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development.

- 9.7 Paragraph 155 of the NPPF also states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include engineering operations. A number of elements within the development are considered to be engineering works and include the hard surfacing in the form of roadways / paths and car parks together with the re-forming of the landscaped mounded areas.
- 9.8 Having regard to the existing site layout and use, the site is considered to be previously developed land (PDL) as defined in NPPF Annex 2 and aspects of the development including the kennels, car park, levels changes and access works fall within the exceptions afforded by paragraphs 154 and 155 of the NPPF and are considered appropriate development. It must therefore be decided whether the development would have a greater impact on the openness of the Green Belt than the existing site.

Impact on the Openness of the Green Belt

- 9.9 Although the proposed development would involve the demolition of 8 of the 10 existing buildings across the existing site and their replacement with 5 new buildings, there would be an increase in footprint of the buildings by approximately 440 sqm across the site. The proposal would therefore see the introduction of other new buildings and elements spread across the site which would encroach into areas of the site that are currently undeveloped. Particularly, this would include the rehoming building at the front of the site; the “Booked Building” and “Training Behavioural Assessment Building” to the rear of the site.
- 9.10 Consequently, the proposed development would inevitably have greater impact on the openness of the Green Belt than the existing development. The development is therefore inappropriate development within the Green Belt. As detailed above, inappropriate development is by definition harmful to the Green Belt and should only be approved if ‘very special circumstances’ exist that clearly outweigh the harm caused to the Green Belt and any ‘other harm’.
- 9.11 Paragraph 143 of the NPPF Green Belt states that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another.
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 9.12 It is considered that the proposed development, due to its location would not conflict with any of the purposes of including land within the Green Belt.
- 9.13 Although it has already been established that the development will have a greater impact on the openness of the Green Belt than the existing site, it is necessary to quantify the harm that would be caused to openness. 'Planning Practice Guidance' (PPG) states that a number of factors may be taken into account when assessing the impact of a development on the openness of the Green Belt including both spatial and visual aspects, such as volume and visual impact. PPG advises that this assessment requires judgement based on circumstances of the case and the courts have identified a number of matters which may be taken into account under three elements:
- Spatial and visual impacts
 - Duration of development and its remediability
 - Degree of activity to be generated.
- 9.14 The existing buildings on the site have a footprint of approximately 1,517 sq metres of which 1,240 sq metres will be demolished as part of the proposals.
- 9.15 The new buildings, together with the retained buildings (277.6 sqm) would have a footprint of approximately 1,958 sq metres. Therefore, the proposed development would result in an increase in footprint of the buildings on site by approximately 440 sq metres (29% increase). Along with the buildings other infrastructure would see an increase in the road layout, parking and hardstanding across of the site.
- 9.16 As a result, cumulatively, the development would have a greater spatial impact than the existing form which would reduce the openness of the Green Belt due to the presence of more built form and the associated enclosures and infrastructure proposed.
- 9.17 In terms of the visual aspect of the Green Belt (which is not an assessment of the visual quality of the proposals) the development would lead to the site having a different visual form. Whilst it is acknowledged that existing structures would be amalgamated into less buildings on the site and which would less spread out, the new buildings and associated enclosures / infrastructure would be introduced on parts of the site where none exist at present. Whilst landscaping would be provided it is not considered that this would fully mitigate any harm caused to the openness of the Green Belt.

- 9.18 The Landscape Visual Assessment (LVA) submitted in support of the application indicates that for primarily vehicular users, and a fewer number of pedestrians along Whiston Lane there would be no change to visual amenity, other than were offset immediately adjacent to the entrance gate to site, where a barely perceptible change to the character of the obtuse view would be introduced from the proposed new re-homing reception building.
- 9.19 The LVA identifies that the roofline of a new building would be glimpsed just above the intervening railing, enclosed within surrounding vegetation from both within the site and rising up the adjacent railway embankment. Despite the minor additional area of built form within the view, the site is well screened and the overall visual character and balance between greenery and built form will remain consistent. The report concludes that there would be negligible effects on the visual amenity and appearance of the surrounding area and landscape character within. Officers agree with this assessment.
- 9.20 Another consideration is 'the degree of activity' likely to be generated, such as traffic generation. During operational use, the site it would be active with visitors coming and going to and from the site seven days a week and some evenings. Given the improved facilities it would be anticipated that more activity would occur as a result of the development. Nevertheless, having regard to the existing use this would not have a material effect on the openness of the Green Belt.
- 9.21 The proposed development is inappropriate development in the Green Belt, no harm would be caused to the purposes of including land in the Green Belt but there would be harm caused to the openness of the Green Belt. In accordance with Paragraph 153 of the NPPF this harm must be given substantial weight against the development.

Very Special Circumstances

- 9.22 The applicant acknowledges that the development is inappropriate development in the Green Belt and has argued that there are Very Special Circumstances which clearly outweigh the harm cause to the Green Belt and any other harm. The applicant's case is set out below.
- 9.23 The applicant states that the proposed development would provide an updated range of rescue, rehabilitation and public viewing facilities for dogs coming into their care. The applicant states that Dogs Trust are the largest charity dedicated to rescue, rehabilitation and rehoming of stray, unwanted and abandoned dogs. The development would provide bespoke housing for dogs of different needs and separate accommodation for those ready for adoption and those with behavioural assessment needs.
- 9.24 The applicant states that the development is proposed in this location because it allows the continued use of the site which adjoins a built-up urban area and would deliver the benefits set out below. On this basis, it is considered unlikely that the development would occur on an alternative site.

- 9.25 The applicant states that a modern well-equipped Rehoming Centre has several specific space demands to enable daily large-scale rehabilitation and rehoming to be undertaken successfully. The proposal would allow the retention of the Dogs Trust use on the site and to deliver significant benefits to the operations on site and in turn provide a number of benefits to the Local Authority and the local community.
- 9.26 The supporting information provided with the application states that the scale of the stray and abandoned dog problem in the UK is a significant one with increasing numbers of stray dogs and the need for a rehoming centre in any area is based upon resident population and the provision, or otherwise of existing professional welfare facilities. The application states that there are limited other animal welfare / rehoming organisations currently working in the local area or the wider city region. The continued presence at the application site, they believe will continue to reduce the number of unnecessary destructions in the region and provide a much-needed rehoming facility in a location which is significantly under- served.
- 9.27 The applicant states that the older and more basic kennel design on the site limits the number and types of dogs that can be taken in and supported. There are limited rehabilitation facilities needed to support dogs housed at the site, nearly all the kennels are noisy, overlooking each other which creates a more stressful environment for the dogs. The redevelopment would help improve ability to take handover request (currently turning away up to 26.5 % due to the dog's challenging behaviour). The proposals will allow for the site to continue operating whilst offering much higher standards of welfare for the dogs in their care.
- 9.28 The Dogs Trust say that they provide a diverse range of services which include liaising with the Council and advising and engaging with the local community:
- Facilities and support resources for stray and abandoned dogs to the local authorities during and after the statutory period.
 - Satisfying the local demand for rescue dogs through responsible rehoming.
 - Training dogs belonging to the community.
 - Educating the residents of Knowsley and surrounding areas about the importance of responsible ownership [e.g. targeting those young people who may see dogs as weapons; or use them as status symbols or could become irresponsible owners in the future without guidance]
 - Continued base for neutering and microchipping campaigns.
- 9.29 The above benefits of the service provision of the applicant have been highlighted and commended by the Council's Environmental Health Team. They have advised that the Dogs Trust have been the most engaged partner the Environmental Health service has had in relation to dogs. They further state that *"their knowledge and professionalism is exceptional, and they are committed to ensure that local communities and residents are given the*

opportunity to approach them for help and guidance. This is especially useful in Knowsley where comparatively, there are pockets of depravation and dog-related issues such as increased numbers of dangerous dog attacks.” The benefits outlined by the applicant are therefore considered to be reasonable and should be given significant weight in favour of the proposed development.

- 9.30 The applicant says that in their experience the rehoming pattern at other Rehoming Centres sees that almost 55% of the dog adoptions will take place within 15 miles of a Dogs Trust Rehoming Centre. Such a radius covers the majority of the Liverpool City Region.
- 9.31 The redevelopment on the current site would help to retain jobs both in the long term and through its construction. The credentials of the Dogs Trust charity, its national profile, and the reputation of other Dogs Trust rehoming centres as high quality operations are considered positively in terms of the benefits that would arise and in terms of retaining this city regional facility in the Borough.
- 9.32 In addition, this particular proposal includes biodiversity measures over and above what is required by national and local planning policy. As the application was submitted before mandatory biodiversity net gain (BNG) requirements were introduced, biodiversity net gain measures are not legally required to be submitted with the application. However, despite this, biodiversity improvements in the form of an overall gain in biodiversity units within the site would exceed the aspirational target of 10% BNG, including a significant gain in hedgerow units. compensatory habitats being of either equal type and distinctiveness or greater distinctiveness. are proposed. These measures have been reviewed by the council’s ecologists and found to provide a significant increase in biodiversity value for the site. This is discussed in more detail further on in this report but should be given limited weight in favour of the development.
- 9.33 Overall, it is regarded that there are significant benefits of the scheme in the form of improved facilities for the operator, the dogs and visitors alike, together with the wider benefits to the local community and biodiversity improvements. However, before deciding whether these factors are “Very Special Circumstances” it is necessary to assess whether any ‘other harm’ would be caused by the development.

Layout and Design

- 9.34 Local Plan Core Strategy Policy CS2 states that new development will be expected to enhance local character and promote quality of space. Policy CS19 sets out several criteria that developments will be expected to conform to so that they enhance local distinctiveness, the identity and accessibility of new places. Saved Policy DQ2 of the Knowsley UDP requires developments to be designed to provide good levels of security. Also of relevance is the Design Quality in New Development SPD.

- 9.35 Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning process should achieve. Good design is a key aspect of sustainable development. Paragraph 139 goes on to state that development that is not well designed should be refused.
- 9.36 A revised site access would lead immediately to the car parking area at the front of the site. The layout as submitted would provide 38 no. spaces within the car park at the front and 17 no. spaces within the additional car park. The car park would be bounded by new fencing and landscaping to the front. The submitted layout shows 2 no. parking spaces to the north of the proposed access which protrude into a landscaped area at the site frontage. However, it is considered that to achieve a more linear fence line; to better facilitate the gated access and to provide enhanced screening to the site frontage, these 2 spaces should be removed from the layout. The applicant has agreed to this and if Members are minded to grant planning permission this could be secured through the imposition of a suitable planning condition.
- 9.37 The site layout has been derived by the desire of the applicant to bring a reception zone with 'meet and greet' areas to the front of the site close to the car parking area. Between the Rehoming Building and the Training Barn would be a courtyard accessed by staff and visitors. Connections between each of the buildings and the exercise areas would be improved.
- 9.38 The new Rehoming Building would be located immediately to the east of the car park and sited between approx. 43 m and 52 m from Whiston Lane. This building would provide the primary entrance for most visitors with facilities for visitors to view the dogs. The Training Barn would be located to approx. 13 m to the south east of the Rehoming Building, separated by a courtyard area and set behind an existing Dogs Trust residential building (Bridge Nursery Flats). The Training Barn would be open for training classes (including in the evenings) It would be set approx. 15 m from the rear of the flats which sit outside of the application site.
- 9.39 Other buildings forming the development would be set further into the site with the existing Reception Building, to be re-purposed as a Vet and Puppy Building being sited approx. 90 m to the north east of the Training Barn. A secondary courtyard and landscaped area with a road and paths traversing the area would be laid out between the buildings.
- 9.40 To the north of the Vet / Puppy Building there would be a new car park (17 spaces) accessed from a road running adjacent to the north western boundary. Further to the north east of the site would be the Intake Building and enclosed grass 'free runs' and paddocks, Maintenance Shed and enclosed intake drop off area. At the far north east would be the Booked Building and the Training Behavioural Assessment Building (TBA) with associated enclosed paddocks. To the far rear of the site the existing grass 'free run' which sits between the site and the M57 motorway would be retained with landscaping improvements.

- 9.41 Fencing and entrance gates at the front of the site are proposed to replace the existing timber paling fencing and would comprise and 2 m high weld mesh fencing with timber posts. Other fenced paddock and run area are proposed across the site. Although the fencing to the various enclosures, which would comprise a mix of 1.1 m high timber fencing with 0.9 m weld mesh (cranked top); 2 m high weld mesh fence (cranked top) would not be typical in a semi-rural context – it would be largely screened by the buildings and landscaping and would not detract from the appearance of the site overall. Nonetheless, a full specification of the boundary treatments will be required and would be secured by planning condition if planning permission is granted.
- 9.42 A total of 53 spaces would be provided split across two car parking areas at the front of the site and towards the centre of the site. The car parking area within the centre of the site would be accessed via a proposed internal access road. The parking provision is discussed in more detail in the Highway section of this report
- 9.43 All new buildings would not extend beyond one storey except for the Training Barn which would incorporate a mezzanine to part of the first floor to provide office space which would attain a maximum ridge height of 8.32 metres. The other proposed buildings would have maximum heights between 4.85 metres and 7 metres.
- 9.44 The new buildings have been carefully positioned to maximise the land available and to create a new built form that accommodates modern practices whilst opening up parts of the site. The demolition of the 5 existing parasol kennels which are currently not utilising the space available due to being irregular in shape and size, has enabled this change at this part of the site.
- 9.45 The application site slopes with the high point in the north east of the site and the low point at the south west of the site. The redevelopment of the site would see the Rehoming Building towards the front of the site being erected on a plateau. This would result in the building being elevated with a series of steps together with an external veranda fronting the building to the south west (facing Whiston Lane) and south east (facing the proposed Training Barn) elevations. The building would have railings around the veranda and an external platform lift would be located to the south east of the building.
- 9.46 The applicant has provided sections through this part of the site which shows that the platform around the building would be set approximately 1.8 m higher than the adjacent car park. The car park has a gradual slope from Whiston Lane. A landscaping strip with trees would be provided between the car park and the Rehoming building.
- 9.47 The land in between the Rehoming Building and the Training Barn would drop by approximately 1.5 metres from the platform level. The proposed new access route to the northern boundary would be at an elevated position to the

Rehoming Building. A retaining wall would be required to the rear of the building.

- 9.48 Notwithstanding the submitted information it is considered that if planning permission is granted then further details of the ground levels across the development site will be required and that can be secured by a suitably worded condition.
- 9.49 The new buildings are designed to appear more contemporary than the existing buildings. They would be brick built with composite metal clad duo-pitched roof design. The proposals for the scheme have been developed in accordance with the applicant's desire to achieve an energy efficient and sustainable development. The development will be designed to achieve optimum energy performance.
- 9.50 Overall, although more buildings and infrastructure are proposed, the development is carefully designed to respect its Green Belt location. The design of the buildings is low key and take cues from the simple design form akin to agricultural buildings with simple design and a simple palette of materials.
- 9.51 The materials palette to be adopted consists of simple colours, brickwork would be light brown in colour (tumbled to give an aged and rustic appearance) and other materials would be dark grey. It would also see elements of the corporate yellow incorporated into the design of rooflights which mimic chimneys on the Rehoming and Training Barn Buildings which sit towards the front of the site.
- 9.52 The buildings would be of a modern aesthetic, and of a high specification in terms of sustainability and quality of kennelling provision. The distribution and orientation of the buildings, layout of public areas and secure areas on the site are considered well-conceived and to balance the practical operational needs of the various building uses with acknowledgement and sensitivity toward the preservation of neighbouring amenity needs well. The landscape design is again considered well-conceived and also designed with practical drainage, visual screening and noise attenuation in mind.
- 9.53 The context of the site layout and buildings and materials would be appropriate to their setting; The proposed landscaping would help to assimilate the development into its surroundings. Taken as a whole, the design and appearance of the proposed development is acceptable and complies with Policies CS2 and CS19.

Crime and Security

- 9.54 Saved Policy DQ2 of the Knowsley UDP requires developments to be designed to provide good levels of security. This policy promotes amongst other requirements, inclusion of features to prevent inappropriate access and inclusion of security features such as fencing, walls and lighting.

- 9.55 Fencing and gates are proposed to the site frontage. The cycle storage for the development would be covered and secure. Appropriate lighting would be provided. It is understood that the Manager and Assistant Manager live on the Dog's Trust site in the adjacent residential properties (outside of the application site). It is considered that subject to the above conditions, that the scheme would not conflict with Saved Policy DQ2 of the Knowsley UDP; Policies CS2 and CS19 of the Local Plan Core Strategy and the NPPF.

Waste Management

- 9.56 Policy WM9 of the of the Merseyside and Halton Waste Local Plan (WLP) requires that adequate measures are provided as part of the design for the facilitation of storage and collection of waste and recyclable material. The applicant has submitted a Waste Management Statement which sets out how waste will be managed, and it is considered to be acceptable. However, the applicant will be required to provide further details on the provision and siting of the waste receptacles which can be secured by a suitably worded planning condition if planning permission is granted.
- 9.57 The proposal would involve excavation and construction activities which are likely to generate significant volumes of waste. Policy WM8 of the WLP and National Planning Policy for Waste and Planning Practice Guidance paragraph 49 together with Policy CS22 of the Local Plan Core Strategy apply. These policies require that the production of waste is minimised, and the measure are implemented to achieve efficient use of resources.
- 9.58 In accordance with Policy WM8, evidence through a waste audit or a similar mechanism (e.g. a Site Waste Management Plan (SWMP)) demonstrating how this would be achieved should be provided. This could be included within a Construction Environment Management Plan (CEMP) secured by a suitably worded condition if planning permission is granted. This would have the benefit of ensuring that the principles of sustainable waste management are integrated into the management of construction on-site to improve resource efficiency and minimise environmental impacts.
- 9.59 Subject to the recommended condition the proposed development would be acceptable and would comply with Policies WM8 and WM9 of the Waste Local Plan, Policies CS2, CS19 and CS22 of the Local Plan Core Strategy and the NPPF.

Arboricultural and Landscaping

- 9.60 Local Plan Core Strategy Policy CS8 seeks to preserve landscape character. Policy CS21 seeks to enhance and protect existing trees, woodland, vegetation and other habitat features that offer a positive contribution to the local environment whilst seeking tree planting and other soft landscaping. Saved policy DQ4 of the Knowsley UDP seeks to retain and protect those

trees that contribute positively to amenity, incorporate integral planting within new developments and make adequate provision for replacement planting either on or off site. The Trees and Development SPD is also a material consideration.

- 9.61 The application is supported by a Tree Survey Report which includes Arboricultural Impact Assessment and recommendations / tree protection strategy. The Council's Arboricultural Officer has reviewed the report and has no objection in principle to the recommendations.
- 9.62 The tree survey indicates the loss of 4 no. trees to facilitate development and general tree works. A Tree Hazard Evaluation Survey supports the application and is incorporated into the tree survey. Trees have been assessed for general condition and health and safety issues and recommends other tree works which would include the loss of another 18 no. trees on the site. The Council's Arboricultural Officer has advised that the identified trees are either in severe decline or dead and that he considers their removal to be good management practice. The Arboricultural Officer had recommended that additional trees be included within the site and permeable surface for parking area to aid tree establishment.
- 9.63 Where tree loss cannot be avoided, Policy CS21 seeks replacement tree planting on a two for one or one for one basis having regard to appropriate tree species and size. It is not considered that it would be appropriate for the development to mitigate for the loss of the trees that are dead or in severe decline, nevertheless, the landscape plans submitted with the application together with the biodiversity net gain report and matrix set out that the development would adequately address any tree loss on the site.
- 9.64 In terms of landscape impacts, Local Plan Core Strategy Policy CS8 seeks to preserve landscape character. Whilst the development would result in permanent changes to the landscape through the introduction of buildings and infrastructure and the loss of some trees, the development does incorporate additional planting in mitigation and if members are minded to grant planning permission the final detail can be secured by condition alongside a management and maintenance plan for the landscaped areas.
- 9.65 It is considered that the proposal would comply with Saved policy DQ4 of the Knowsley UDP, and policies CS2 and CS21. In coming to this view regard has been given to the Trees and Development SPD.

Highway Safety, Site Access and Sustainable Travel

- 9.66 The NPPF at paragraph 114 requires new developments to ensure amongst other things that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network, or on highway safety can be mitigated to an acceptable degree. Furthermore, at paragraph 115 it states that development should only be prevented or refused on highways grounds if there would be an

unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 9.67 Policy CS2 of the Local Plan Core Strategy states in Principle 3c) that new development will encourage safe and sustainable access for all whilst Policy CS7 of the Local Plan Core Strategy requires new developments to be located and designed to prioritise accessibility and sustainable modes of travel through a choice of walking, cycling, public transport, and incorporate access for private vehicles. The policy also requires new developments to make adequate provision for cycle and car parking. Policy CS19 of the Local Plan Core Strategy promotes the delivery of accessible places and seeks to ensure new developments provide safe, secure and convenient routes for movement, to meet the needs of all users.

Site Access

- 9.68 The proposal would involve alterations to the point of vehicular access from Whiston Lane. It is proposed that a new access would be located approximately 20 m north of the existing access point on Whiston Lane to enable improved visibility. The existing access point would be made redundant and replaced by a footpath. The Highways team have no objections in principle to this arrangement subject to the addition of a footpath to the north of the access to improve pedestrian safety. The precise details can be secured via condition if members are minded to grant planning permission.
- 9.69 The application is supported by a visibility and tracking plan which demonstrates that a large refuse vehicle can access and manoeuvre into and out of the site in forward gear. Whilst the vehicle used to demonstrate that is smaller than a typical vehicle used the Council, the applicant employs a commercial operator for the collection and disposal of waste given the use of the site. On this basis the design of the access is acceptable.

Parking

- 9.70 The existing visitor car park at the front of the site provided 43 spaces. The application proposes that the car park will be retained and re-configured to would enable a new internal road layout along the north western boundary of the application site. The internal road would provide connection to an additional staff car park within the site.
- 9.71 The number of spaces within the visitor car park would be reduced to 36 spaces whilst the staff car parking area would provide 17 no. spaces. This would see a total of 53 no. spaces across the development with an uplift of 10 parking spaces. Four accessible spaces would also be provided 3 no. located in the main car park on entrance to the site and another within the staff car park.
- 9.72 The application is supported by a Transport Statement which indicates that the car parking provision proposed is based on need, the existing site occasionally experiences minor overspill of parking, with the overspill

vehicles parking within the site on grassed areas. Typically, 25 members of staff would be on-site each day and on average 20 – 30 visitors per day (including volunteers and other non-public visitor vehicles). The level of parking proposed is considered acceptable.

Cycle Parking

- 9.73 The Council's Ensuring a Choice of Travel SPD does not provide specific requirements for the level of the cycle parking to be provided for this type of development. Cycle parking is proposed for the development in the form of 6 no. spaces within a cycle store, proposed close to the car parking area at the front of the site. This level of provision is considered to be acceptable given the nature of the use.
- 9.74 No precise details of the proposed cycle storage highlighted on the proposed layout plan has been submitted, however, if planning permission is granted precise scheme details can be secured via planning condition. The scheme would have to provide long stay cycle parking that is covered and offers a means to secure the cycles.

Electric Vehicle Charging Points

- 9.75 The application proposes the installation of 4 no. Electric Vehicle Charging Points (EVCs) across the development, two in the visitor car park at the front of the site and the other two in the proposed staff car park. No detail of the design is submitted at this stage however, this can be secured through the imposition of a condition if members are minded to grant planning permission.

Conclusion on Highway Considerations

- 9.76 The supporting Transport Statement indicates that there would be no material change in traffic generation forecast as a result of the development. The site is accessible by various modes of transport. Given the nature of the proposal, it is likely to generate visitors as a 'destination' facility and attract visitors from outside of the local community and the borough. It is expected that a number of visits would therefore be better facilitated by private car due to the practicalities of transporting dogs. The rationalisation of the parking would therefore benefit the facility. The site is located within an established residential area with access from the surrounding road network and with access to three bus routes in the vicinity of the site. The site can be easily accessed by cycle from surrounding areas.
- 9.77 The Highways Team have no objection to the proposed development subject to planning conditions. Should members be minded to grant planning permission it is recommended that the conditions mentioned above are imposed.
- 9.78 In conclusion, the proposal is acceptable in highway safety terms. The development would not compromise the safe operation of the local highway network for the reasons set out above. As such, subject to above conditions, the proposal is considered to comply with the NPPF, Policies CS2, CS7 and

CS19 of the Local Plan Core Strategy, Saved Policies T7, T10 of the Knowsley UDP and Ensuring a Choice of Travel SPD.

Contaminated Land and Land Stability

- 9.79 Saved Policy ENV5 in the Replacement Unitary Development Plan requires new developments to remediate any sites that may be affected by contaminated land. It seeks to ensure that development does not occur on contaminated sites that could place future occupiers, or the surrounding environs are not at risk from contamination. Policy CS2 of the Knowsley Local Plan Core Strategy requires development to address any issues of unstable land resulting from coal mining. This is reiterated within the NPPF.
- 9.80 The site has previously been used as a nursery. Potential sources of contamination also include an infilled pond, the made ground and the underlying coal measures. The applicant has submitted a Phase 1 Desk Study report which identifies potential pollutant linkages associated with the former uses of the site.
- 9.81 Environmental Health have reviewed the supporting documents and request conditions in relation to securing a programme of ground gas monitoring to assess the risks associated with any ground gas, and where necessary, mitigation measures to reduce any risk to an acceptable level; to require the reporting of unexpected contamination; and to prevent the importation of soil without approval. These conditions are recommended should the application be approved. Subject to these conditions there would be no harmful contamination impacts arising from the development.
- 9.82 The site falls within a coal mining High-Risk Development Area therefore, coal mining features in the area are hazards which need to be considered as part of the determination of this planning application. As such the applicant has submitted a Coal Mining Risk Assessment (CMRA) to address coal mining risks. The report recommends the undertaking of ground investigations to be carried out on the site in order to establish the extent of unrecorded shallow mine workings and to inform any remedial works and mitigation measures needed to ensure the site is safe and stable in accordance with paragraphs 189 and 190 of the National Planning Policy Framework.
- 9.83 The Coal Authority concur with the findings of the applicant's CMRA, and that coal mining legacy potentially poses a risk to the proposed development and that investigations are required along with possible remedial measures, in order to ensure the safety and stability of the proposed development. As such they have no objection subject to recommended conditions and informatives should planning permission be granted.
- 9.84 Subject to the above conditions, the proposal is considered to comply with the NPPF, Policy CS2 of the Local Plan Core Strategy and Saved Policy ENV5 of the Knowsley UDP.

Noise and Air Quality

- 9.85 Saved Policy ENV2 of the Knowsley UDP seeks to ensure that new or existing developments are protected from new or existing noise sources and that, where necessary, effective mitigation measures are secured. Local Plan Core Strategy Policy CS2 also sets out development principles which require new development to recognise environmental limits, enhance local character and promote quality of place by mitigating potential negative impacts of traffic growth on noise and health, and minimising negative impacts upon air quality...noise and vibration levels ensuring any negative impacts are appropriately mitigated. Additionally, Policy CS19 sets out that new development will be expected to maintain a good standard of amenity for all existing and future occupants of land and buildings.
- 9.86 The application is supported by a Noise Impact Assessment (NIA) (Hepworth Acoustics Ltd. April 2023). The report focuses on the potential noise impact associated with dogs in the new buildings, along with any necessary building services equipment, and the new outdoor runs. The outdoor runs will be used in the daytime only and all dogs will be located indoors overnight.
- 9.87 The NIA indicates that the main sources of noise at the site were found to be intermittent but regular road traffic on Whiston Lane, along with steady distant road traffic from the M57 to the east, and intermittent rail traffic on the railway line to the north west. There was no significant noise from dog barking at either of the measurement positions.
- 9.88 Assessment has used source noise levels measured at another Dogs Trust site and calculated the likely resulting noise levels outside the nearest dwellings associated with barking dogs. The findings have indicated that the noise from operation of the new kennels and associated outdoor runs will be well below the existing prevailing noise climate of the area.
- 9.89 In terms of noise associated with fixed plant equipment and air source heat pump, no specific details are available at this stage, the noise report therefore recommends appropriate noise design limits to ensure that there is no unacceptable noise impact and that to adequately control the impact the combined noise from all new plant items should be controlled to a rating level no higher than the representative background noise level (i.e. a BS 4142 initial numerical assessment of 'low impact'). It is noted that the report considers impact on dwellings on the opposite side of Whiston Lane and further to the south, it does not include the residential units within the applicant's ownership adjacent to the application site.
- 9.90 The Council's Environmental Health team has reviewed the submitted information and recommended a condition to ensure that noise levels from fixed plant are at least 5dB(A) below existing LA90 background noise level to apply at a position 1 m from the closest affected window of the nearest noise

sensitive property. The need to ensure that noise from new plant / equipment is controlled to within these limits can be secured with an appropriate planning condition should planning permission be granted.

- 9.91 The Council's Environmental Health team have also recommended mitigation on the impacts of the construction phase of the development to protect the amenity of nearby residents. It is recommended that a Construction Environmental Management Plan (CEMP) is secured by condition to mitigate / minimise these impacts during the demolition and construction phases of the development in the interests of protecting the amenity of the surrounding area.
- 9.92 No objection has been raised by Environmental Health in relation to noise from the proposed operations of the site subject to the above conditions being imposed. Therefore, it is considered that noise and air quality impacts can be appropriately mitigated during the demolition / construction phase and would be acceptable in the operational phase of proposed development. Impacts on residential amenity are acceptable and the proposal complies with the NPPF, Policies CS2 and CS19 of the Local Plan Core Strategy, Saved Policy ENV2 of the Knowsley UDP

External Lighting

- 9.93 Policy DQ2 of the Knowsley UDP requires developments to be designed to provide good levels of security. This policy promotes good levels of natural surveillance, ... and inclusion of security features such as ... lighting. Policy CS19 of the Local Plan Core Strategy requires new developments to maintain a good standard of amenity for all existing and future occupants of land and requires developments to minimise crime, fear of crime and Anti-Social Behaviour (ASB) whilst also ensuring developments avoid unacceptable impacts.
- 9.94 The application is accompanied by an External Lighting Design Report. This identifies that external lighting would be provided to:
- Car parking areas and entrance driveway
 - Driveways / roadways within the boundary
 - Pathways and pedestrian routes surrounding buildings and runs.
- 9.95 This would be achieved through lighting mounted on lighting fixtures and buildings. It is proposed that the perimeter lighting would be required during hours of darkness only (dusk till dawn) and controlled via timeclock and photocell arrangement to reduce energy usage and to meet the operational needs of the applicant.
- 9.96 Whilst details of a scheme of lighting have been submitted, MEAS have advised that habitats on site or adjacent to the site may provide roosting, foraging, commuting habitat for bats and lighting for the development may affect the use of these areas. The lighting scheme can be designed so that it

protects ecology and does not result in excessive light spill onto the habitats. Notwithstanding the submitted scheme further details to ensure acceptable impacts are attained can be secure through the imposition of a condition.

- 9.97 The CEMP would control lighting during construction and operationally, lighting of the site can be controlled via an appropriately worded condition (if Members are minded to grant permission). Subject to these conditions, it is not considered that the proposal will result in adverse impacts from lighting and would comply with Saved Policy ENV3 of the Replacement UDP and in line with NPPF (paragraph 180).

Residential Amenity

- 9.98 Policy CS19 in the Local Plan Core Strategy requires new developments to maintain a good standard of amenity for all existing and future occupants of land and buildings by avoiding unacceptable impacts on existing residents and future occupiers.

Bridge Nursery Flats, Whiston Lane

- 9.99 The nearest residential properties are located immediately adjacent to the application site and also in the applicant's ownership. These properties comprise a ground and first floor flat (Bridge Nursery). The property gains access via the application site car park. The building has windows to the ground and first floor, serving bedrooms and a hall and bathroom, that face onto the application site. The Training Barn would have two narrow windows within the south west elevation which would serve a staircase and mezzanine office space and face the flats. An interface of approx 15.5 metres would be maintained between the two buildings. It is generally expected that at least a 20-22 metres interface should be provided to maintain privacy and minimise overlooking.
- 9.100 It is understood that the flats provide accommodation for staff and whilst a reduced interface may be acceptable in these circumstances, it is considered that to retain privacy for the occupiers that obscure glazing should be provided in these windows, and this could be secured by condition if planning permission is granted.
- 9.101 Given the relationship with the development site, it is not considered necessary to consider any further impacts that may arise from the development in terms of residential amenity.

Whiston Lane

- 9.102 Residential properties are located on the opposite side of Whiston Lane, comprising three storey flats. The nearest of these buildings (nos. 162– 164, 162a– 64a & 162b-164b Whiston Lane) presents a blank gable elevation onto the site. These properties are site approximately 16.5 m from the site frontage. The nearest proposed building (Rehoming) would be set into the site by approximately 45 m.

- 9.103 Other flats on Whiston Lane are located further to the south west of the site located at the nearest point some 37.5 m from the site boundary. The development would be screened from these particular properties and the occupants of those properties will not suffer any unacceptable adverse impacts on their amenity.

Ebony Place / Redwood Street (Bellway Site off Whiston Lane)

- 9.104 Other residential dwellings lie beyond the railway to the north west of the application site. The nearest property on that development is located approximately 64 m from the site boundary and set beyond the railway bridge and embankment and operational railway line. It is noted that when that development was considered (Ref:16/00819/FUL), it was supported by a noise report, the findings of which identified that at that time, no noise was audible from the Dogs Trust site. It is not considered that the proposed development would result in significant increase in noise than the existing use to impact on these residents.
- 9.105 The noise assessment finds that the noise from the proposed operations would run below the existing prevailing noise climate of the area. As detailed in the noise section of this report, controls on noise from plant / equipment would be controlled by condition.
- 9.106 It is inevitable however, that there would be some disturbance during construction, however, that would be for a temporary period only and separate legislation is in place to ensure that this is controlled, in addition, a condition securing a Demolition / Construction Environmental Management Plan (including hours of work) is recommended should planning permission be granted.
- 9.107 Overall, it is considered that the development would provide acceptable living conditions for neighbours and would comply with Local Plan Core Strategy Policy CS19.

Ecology and Biodiversity

- 9.108 Policy CS8 in the Local Plan Core Strategy states that new developments should sustain and promote biodiversity in accordance with its importance and contribution to ecological networks. This is consistent with the aims of the NPPF. In line with Policy CS8 the application is accompanied by a number of reports to support the application including Ecological Appraisal; Landscaping Drawings Biodiversity Metric; landscape Schedule and Biodiversity Net Gain Report.
- 9.109 The supporting ecology report states that no evidence of great crested newt use, or presence was found although the site provides habitat for other amphibian species which are protected. As a precaution, Merseyside Environmental Advisory Service (MEAS) advise the undertaking of Reasonable Avoidance Measures (RAMs) during the construction phase

these measures can be included within a Construction Environmental Management Plan (CEMP).

- 9.110 The submitted report indicates that buildings and trees on the site were assessed in a Preliminary Bat Roost Assessment (PBRA). The report indicates that roosting bats are not considered to be a constraint to the development. However, habitats on site or adjacent to the site may provide roosting, foraging, commuting habitat for bats. Lighting for the development may affect the use of these areas and a lighting condition to address this is recommended.
- 9.111 Built features or vegetation on site may provide nesting opportunities for breeding birds, which are protected. Avoidance of the breeding bird season (1 March to 31 August inclusive) for the tree felling, scrub clearance, vegetation management, ground clearance or building work, or a pre-start check by experienced ecologist for nesting birds can be included in the CEMP secured by condition if planning permission is granted. The supporting ecological report recommends that bird boxes are provided on site and this can be secured by condition if permission is granted.
- 9.112 MEAS have advised that the habitats on site are considered suitable for hedgehog (Priority Species). As such, MEAS recommend that a condition is imposed securing reasonable avoidance measures (RAMS) to ensure no adverse effects on hedgehog. These measures can be included in the CEMP and secured by condition should planning permission be granted.
- 9.113 The applicant has submitted a scheme for compensating for the loss of the existing habitat and ensuring that there will be a net biodiversity gain on the site which involves the creation of grasslands, wetland areas and the planting of native species.
- 9.114 Because the application was submitted before the implementation of the Government's mandatory "Biodiversity Net Gain" (BNG) regulations in February 2024, the DEFRA Biodiversity Metric v4.0 Calculation has been used to inform the BNG Assessment Report submitted by the applicant. The headline results show that Habitat units would see an increase in units of 14.96%. Hedgerow units would increase by 1973%. It therefore calculates an overall gain in biodiversity units exceeding the aspirational target of 10% BNG.
- 9.115 MEAS have advised that the information provided is acceptable and implementation can be secured by condition if members are minded to grant planning permission.
- 9.116 The proposed development would not, subject to the above-mentioned conditions, have a significant impact on protected species or their habitats. The proposals will provide a significant net biodiversity gain. Therefore, this net biodiversity scheme is more than the no net loss required by policy and is a benefit of the scheme.

9.117 The proposal, subject to relevant mitigation which would be secured by condition is considered to result in acceptable impacts on ecology and is therefore considered to comply with Policies CS2, CS8, CS19 and CS21 of the Local Plan Core Strategy and the NPPF.

Flood Risk and Surface Water Drainage

9.118 Policies CS2 and CS24 in the Local Plan Core Strategy combine to ensure that development will not cause any unacceptable risk of flooding and that surface water will be drained in a safe and sustainable manner.

9.119 The site is located within Flood Zone 1 (the area at lowest risk of flooding). The applicant has submitted a detailed Flood Risk Assessment (FRA) which demonstrates that the development would not materially increase flood risk. The site is at low risk of all forms of flooding, including groundwater and surface water.

9.120 The site lies within 8 metres of a main river and the Environment Agency advise that the developer require a permit for activities.

9.121 In addition, the Drainage Strategy supporting the application shows the existing and proposed site drainage together with details of sustainable drainage features including rainwater harvesting tank, swales, rain gardens, permeable paving, cellular attenuation storage and flow controls. The design principles for the surface water system are:

- To maximise the use of rainwater harvesting system to provide kennel washdown and therefore reduce the volume of surface water flowing off site.
- Where possible, utilise swales and raingardens to manage surface water run-off from paved areas,
- To ensure no flooding on site for the 1 in 30-year storm event.
- Flooding on site for the 1 in 100-year rainfall event +30% should be contained on site with no risk to the development or increased risk off site.

9.122 The FRA identifies that the proposed development has a significant demand for water for the daily wash down of kennels. This can feasibly be met with a 40,000 litre capacity rainwater harvesting tank which will also provide attenuation and reduce the volume of surface water discharged from site. Other sustainable drainage systems such as swales/ raingardens and permeable paving will also be provided, providing treatment of run-off from paved areas and slowing down surface water runoff at source.

9.123 Notwithstanding the above, the Lead Local Flood Authority (LLFA) has reviewed the proposal and has advised that whilst they have no objection in

principle to the proposal, the level of information supporting the application is currently insufficient to demonstrate that the drainage system is acceptable. However, the detail can be secured through the implementation of suitable conditions (if planning permission is granted) requiring further details of the drainage system and a management and maintenance plan for the Sustainable Urban Drainage System (SUDS) relating to the lifetime of the development.

- 9.124 This is reiterated by United Utilities (UU) who also request that further information is sought via condition, in addition, UU have raised objection to the development due to the proximity of the development to UU asset and apparatus. They require the developer to show the proposed outfall for surface water and the existing sewer that traverses the site to be accurately located (site survey) to ensure a 3 m clearance is achieved. An approximate location of the sewer currently shows which that a 6 m easement (which is a private agreement between UU and the landowner) would see the corner of the TBA building clip the easement. The applicant has been made aware of this and at the time of writing this report they are in the process of carrying out the relevant survey(s) to demonstrate the accurate location of the sewer.
- 9.125 Nevertheless, this is not a reason to refuse planning permission and it is the applicant's responsibility to investigate the existence of UU pipelines / assets within their site and to demonstrate to UU the exact relationship between these assets and the proposed development. If planning permission were to be granted and it is later determined by the applicant that they can not build the TBA building because it encroaches into the easement they would have to review the design and position of the building.
- 9.126 Subject to the recommended conditions, the proposed development would comply with Local Plan Core Strategy Policies CS2 and CS24 and the proposal would incorporate measure to minimise the potential for surface water flooding across the development and beyond the site boundaries.

Sustainable and Low Carbon Development

- 9.127 The applicant has submitted a Sustainability Statement and Energy Audit. It commits to the energy hierarchy adopting a fabric first approach to reducing energy demand. The majority of the site would be heated via underfloor heating served by an air source heat pump.
- 9.128 A suitability appraisal has been undertaken regarding renewable energy technologies, with Photovoltaic Panels being considered suitable. The photovoltaic panels are shown indicatively on the main five buildings at this stage. It is also proposed to incorporate rainwater harvesting to capture water from the roofs of buildings on the site, the water to be utilised for kennel washdown etc. Precise scheme details will be secured via condition if planning permission is granted.

- 9.129 The use of low carbon and renewable technologies as proposed is in line with Policy CS22.

Social Value

- 9.130 The Council has adopted a Supplementary Planning Document '*Adding Social Value to Development*' with the objective of maximising the employment and training of local people. The SPD requires applicants for major developments such as this to submit a 'Social Value Strategy' to the Council setting out how they propose to provide employment and training benefits for residents in the local area.
- 9.131 A Social Value Strategy has been submitted with the application and it is recommended that this is implemented during the construction of the development which can be secured by condition.
- 9.132 The SPD requires the delivery of the Social Value Strategy to be monitored. The total monitoring cost contribution has been calculated at £1,786.00. However, when considering the overall increase of floor area of an existing use as a result of this development is not appropriate to require the financial contribution in this instance. Nevertheless, a Social Value Strategy will be secured through a condition, should the application be approved, which will include the requirement for appropriate monitoring to take place of the outputs from the agreed measures. The proposal therefore complies with the requirements of the Adding Social Value to Development SPD.

10 CONCLUSION AND PLANNING BALANCE

- 10.1 The development plan is the starting point for decision making. Where applications that accord with the up-to-date development plan should be approved without delay. Where there is conflict with the development plan, applications should be refused unless there are material considerations that indicate otherwise. Overall, the proposals are inappropriate development within the Green Belt and very special circumstances must clearly outweigh the harm to the Green Belt and any other harm.
- 10.2 There is harm caused to the Green Belt by reason of the development's inappropriateness and harm would also be caused to the openness of the Green Belt. These factors must be given substantial weight against the proposed development. No 'other' harm has been identified. The main benefits of the scheme are that it would allow the continued use of the existing site and provide updated and improved facilities on the site to enable the applicant to continue operating in the borough and continue their work and commitment to community and Council engagement, as well as providing biodiversity benefits. These factors should be given significant weight in favour of the proposed development.